

Application Serial No. 10/562,953
Response

PATENT
Docket: CU-4618

REMARKS

1. In the Office Action Claims 1-28 were restricted as follows:
 - I. Claims 1-6, 13-20, and 24-28: drawn to a method for improving absorption of amino acids in a vertebrate;
 - II. Claims 7, 9-10, and 24-28: drawn to a method for decreasing absorption of plasma glucose in a vertebrate;
 - III. Claims 8 and 13-28: drawn to a method for preventing, inhibiting, or alleviating a high glucose condition in a vertebrate;
 - IV. Claims 13-20 and 24-28: drawn to alpha-ketoglutaric acid (AKG), derivatives, metabolites, analogues, or mixtures thereof; and
 - V. Claims 13-20 and 24-28: drawn to alpha-ketoglutaric acid (AKG), derivatives, metabolites, analogues, or mixtures thereof.
2. The Applicant hereby elects Group I, Claims 1-6, 13-20, and 24-28, drawn to a method for improving absorption of amino acids in a vertebrate.
3. The Applicant has provided herein an amended set of claims that can be viewed in the Amendments section of this paper in the Listing of Claims beginning on page 3 of this Response. In the Claims, please newly add Claims 29-39. These new Claims are directed to Group 1, a method for improving absorption of amino acids in a vertebrate. The new Claims 29-39 find support in original claims 15 and 1-6, and therefore, no new matter has been added.
4. The Examiner also requested that a single species be elected. The Applicant respectfully traverses this requirement herein. The Applicant respectfully asserts that the claimed species, alpha-ketoglutaric acid (AKG) derivates, metabolites, analogues or mixtures thereof, share a technical relationship through the same biological effect and also through sharing a common partial structure (see definitions in the description). Furthermore, all specifically named species besides AKG itself are salts of AKG. At the very least, two embodiments of the invention are illustrated

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with two different salts, Na-AKG (examples 1-3) and chitosan-AKG (example 3). Therefore, at least the species listed in the newly added Claim 31, and mixtures thereof, share a technical relationship through both structure and biological effect. Therefore, the Applicant respectfully asserts, as main request, that the claimed species (alpha-ketoglutaric acid (AKG), derivates, metabolites, analogues or mixtures thereof) do share a technical relationship, and therefore relate to a single general inventive concept under PCT Rule 13.1. As an auxiliary request the Applicant respectfully asserts that at the very least the species listed in newly added Claim 31 do share a technical relationship, and therefore relate to a single general inventive concept under PCT Rule 13.1. The Applicant therefore respectfully requests, as main request, that the Examiner withdraw this request for an election of species. If the main request is found unacceptable by the Examiner, the Applicant respectfully requests, as auxiliary request, that the species elected will be AKG, salts of AKG with amino acids and amino acid derivates and mono- and di-metal salts of AKG, and mixtures thereof.

5. In the event that the Examiner chooses to maintain the election of species request, the Applicant elects the species AKG.
6. The Applicant retains the right to present the non-elected claims in a divisional application.
7. The Applicant believes that this Response is responsive to all points raised in the Office Action, believes that the claims are patentable, and requests favorable consideration.

Respectfully Submitted,



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